

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL FAVATA, *et al.*, §
Plaintiffs, §
VS. § CIVIL ACTION NO. 2:12-CV-82
NATIONAL OILWELL VARCO, LP; aka §
BRANDT NOV, §
Defendant. §

ORDER ON MOTION TO DECERTIFY OPT-IN CLASS

Before the Court is Defendant's Motion to Decertify Opt-In Class (D.E. 186) in this Fair Labor Standards Act (FLSA) case. Plaintiffs had initially sought conditional certification on October 3, 2012, which was denied on October 31, 2012. D.E. 28, 36. After substantial discovery, Plaintiffs sought reconsideration of the certification issue on February 11, 2013. D.E. 55, 56. At that time, the Court considered the evidence and applied the more stringent second-stage test of *Lusardi v. Xerox Corp.*, 747 F.2d 174 (3d Cir. 1984), concluding:

After carefully considering the evidence, the Court finds that the putative class members are similarly situated; that the action arises from an alleged common plan, scheme, or policy; that collective issues dominate over purely personal issues; that trying the cases together will likely promote judicial efficiency; and that certification of the class is fair to both parties.

D.E. 82. After review of the current Motion to Decertify, the Plaintiffs' Response, and the evidence offered in support and opposition, the Court's conclusion has not changed.

The Motion to Decertify Opt-In Class (D.E. 186) is DENIED.

ORDERED this 22nd day of January, 2014.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE